

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

UNITED STATES OF AMERICA,) CR 11-01-H-DWM-2
)
)
Plaintiff,)
)
)
vs.) ORDER
)
)
ROBERT SHANE WILKINS,)
)
)
Defendant.)
)

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on April 14, 2011. Neither party objected and therefore they are not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” United States v. Syrax, 235 F.3d

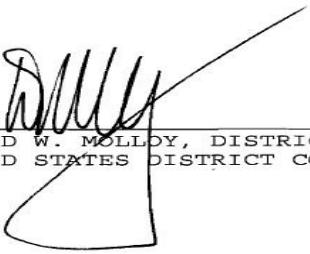
422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Robert Shane Wilkins' guilty plea after Wilkins appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered his plea of guilty to the charge of conspiracy to sexually exploit children in violation of 18 U.S.C. § 2251(a), (e) (Count I), sexual exploitation of children in violation of 18 U.S.C. § 2251(a) (Count II), conspiracy to distribute child pornography in violation of 18 U.S.C. § 2252A(a)(2) (Count III), and distribution of child pornography in violation of 18 U.S.C. § 2252A(a)(2) (Count IV) as set forth in the Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (dkt # 50), and I adopt them in full, including the recommendation to defer acceptance of the plea until sentencing when the Court will have reviewed the Presentence Investigation Report.

Accordingly, IT IS HEREBY ORDERED that Robert Shane Wilkins' motion to change plea (dkt # 37) is GRANTED.

DATED this 11th day of May, 2011.


DONALD W. MOLLOY, DISTRICT JUDGE
UNITED STATES DISTRICT COURT